

**To:** Phil North/R10/USEPA/US@EPA[]  
**From:** "The Pebble Partnership"  
**Sent:** Fri 5/25/2012 11:50:50 PM  
**Subject:** EPA Tactics Questioned

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### Legality of EPA Actions Questioned

The Congressional Committee on Oversight and Government Reform is questioning the legality of EPA's recent actions related to the Bristol Bay watershed assessment.

In a strong letter issued to EPA Administrator, Lisa Jackson, by Chairman Darrell Issa, Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending, the committee has asked that the EPA respond to a long list of questions specific to its unprecedented intent and notes that the EPA's assertion of preemptive veto power appears to undermine the permitting process as outlined by Congress when it passed the Clean Water Act.

The letter quotes, among other legal issues, the recent Court opinion related to EPA's revoking of the West Virginia Spruce Hill permits, "EPA's position is that section 404(c) grants it plenary authority to unilaterally modify or revoke a permit that has been duly issued.....is a stunning power for the agency to arrogate to itself when there is absolutely no mention of it in the statute.

The multitude of serious concerns outlined in the request for information include the EPA's lack of response related to issues presented by the state of Alaska Attorney General and rightful land-use management, meetings with organizations and individuals associated with petitions, and the standards and guidelines EPA used to produce its watershed assessment. Read the Congressional Committee letter...

### Climate of Fear

In an online Forbes Magazine op-ed, contributing writer Patrick Michaels, criticizes the intentional and dangerous preemptive activities of the EPA related to its Bristol Bay watershed assessment. The article notes the deficiencies of the assessment, as well as the underlying motivation by environmental groups unconcerned with the economic welfare and cultural struggles of southwest Alaska communities.

Michael's, a senior fellow to climate studies at the Cato Institute and contributing author and reviewer of the United Nations Intergovernmental Panel on Climate Change, asserts that the EPA assessment ignores the importance and purpose of the historic land exchange in Alaska that completed Lake Clark National Park in return for land parcels identified for mineral exploration and development as part of the state of Alaska's sustainable economy. Further, he notes the assessment ignores the positive impact \$7 billion of new infrastructure would bring to a place without a diverse economy and that the material, based on the "precautionary principle," is designed to stop the project before any permits have been filed." Read more...

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